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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 JAMI JACKSON, individually,

16 Case No.: 2:22-cv-00958-JCM-DJA

17 Plaintiff,

18 **STIPULATED DISCOVERY PLAN
19 AND SCHEDULING ORDER
20 PURSUANT TO F.R.C.P. 26(f) AND LR
21 26-1(b)**

22 vs.

23 NEVADA SPEEDWAY, LLC; LAS VEGAS
24 MOTOR SPEEDWAY, LLC; IPS
SECURITY INC.; SEGA MAMOE,
individually; JAY FAA a/k/a JEROME
FAALOUA, individually; TUPULAGA
PEROFETA, individually; DOES 1 to 100
and ROE CORPORATIONS 1 to 100,
inclusive,

25 Defendants.

26 The parties submit the following Stipulated Discovery Plan and Scheduling Order pursuant
27 to LR 26-1(b) and Fed. R. Civ. P. 26(f). Deadlines that fall on a Saturday, Sunday, or legal holiday
28 have been scheduled for the next judicial day.

1. **F.R.C.P. 26(f) Meeting:** Pursuant to F.R.C.P. 26(f), counsel for the parties conferred to
develop a proposed discovery plan on September 19, 2022. The conference was held by
Sarah M. Banda, Esq. of the law firm NAQVI INJURY LAW on behalf of the Plaintiff

1 (“Plaintiff”), Richard G. Campbell, Esq. of the law firm KAEMPFER CROWELL on behalf
 2 of Defendants IPS SECURITY, INC., SEGA MAMOE, JAY FAA a/k/a JEROME
 3 FAALOUA and TUPULAGA PEROFETA (“Defendants IPS, Mamoe, Faaloua and
 4 Perofeta”), and James Barrington, Esq. of RESNICK & LOUIS, P.C. on behalf of Defendant
 5 NEVADA SPEEDWAY, LLC (“Defendant NV Speedway”).
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7 **2. Pre-Discovery Disclosures:** Pursuant to F.R.C.P. 26(a)(1), Defendants IPS, Mamoe,
 8 Faaloua and Perofeta made their initial disclosures **on or before October 3, 2022.**
 9 Defendants NV Speedway made its disclosures on September 19, 2022. Plaintiff made his
 10 initial disclosures on September 20, 2022.

11 **3. Areas of Discovery:** The parties agree that the areas of discovery should include, but not be
 12 limited to, all claims and defenses allowed pursuant to the Federal Rules of Civil Procedures.

13 **4. Discovery Plan:** The parties propose the following discovery plan:

14 a. **Discovery Cut-Off Date [LR 26-1(b)(1)]:** Defendants IPS, Mamoe, Faaloua and
 15 Perofeta answered on August 1, 2022. Defendant NV Speedway answered on August
 16 19, 2022. Defendant NV Speedway filed its Petition for Removal on June 16, 2022.
 17 The proposed last day of discovery shall be **June 16, 2023**, which is calculated as 365
 18 days from the filing of Defendant NV Speedway’s Petition for Removal. The parties
 19 request a longer period to conduct discovery in order to accommodate the extent of
 20 discovery that will be required. For instance, Plaintiff is still treating and anticipates
 21 undergoing further injections, as recommended by his medical providers. The defense
 22 anticipates obtaining Plaintiff’s medical records, deposing treating providers, and
 23 retaining experts, who will in turn likely be deposed by Plaintiff. Plaintiff also
 24 anticipates retaining experts concerning his medical condition. In addition, Plaintiff
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1 is in discussions with defense counsel to dismiss Defendant Las Vegas Motor
 2 Speedway, LLC. Given the extent of discovery needed, additional time to conduct
 3 discovery is warranted to allow the parties the opportunity to adequately evaluate and
 4 explore the claims and defenses in this matter. Consequently, the parties respectfully
 5 request additional time to conduct discovery in this matter as reflected herein.
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7 **b. Amendment of Pleadings and Adding of Parties [LR 26-1(b)(2)]:** The parties shall
 8 have until **March 17, 2023**, to file any motion to amend the pleadings or to add
 9 parties. This is 90 days before the proposed discovery cutoff date.

10 **c. F.R.C.P. 26(a)(2) Disclosures (Experts) [LR 26-1(b)(3)]:** Disclosure of experts
 11 shall proceed according to F.R.C.P. 26(a)(2) except that, pursuant to LR 26-1(b)(3):
 12 the initial disclosure of experts and expert reports shall occur on **April 17, 2023**,
 13 which is 60 days before the proposed discovery cutoff date; and the disclosure of
 14 rebuttal experts shall occur on **May 17, 2023**, which is 30 days after the initial
 15 disclosure of experts.

16 **d. Dispositive Motions [LR 26-1(b)(4)]:** The parties shall have until **July 17, 2023** to
 17 file dispositive motions, which is 30 days after the proposed discovery cutoff date.

18 **e. Pre-Trial Order [LR 26-1(b)(5)]:** The joint pre-trial order shall be filed by **August**
 19 **16, 2023**, which is 30 days after the date set for filing dispositive motions. If a
 20 dispositive motion is timely filed, this deadline is suspended until 30 days after
 21 decision of the dispositive motion or further order of the Court.

22 **f. Trial Readiness:** The case should be ready for trial by **January or February 2024**
 23 and is expected to take approximately **7-10 days**.

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- g. **Rule 26(a)(3) Disclosures [LR 26-1(b)(6)]:** Unless otherwise directed by the Court, pretrial disclosures as set out in F.R.C.P. 26(a)(3) and any objections to them shall be included in the joint pretrial order.
- h. **Court Conferences:** If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.
- i. **Extension or Modifications of the Discovery Plan and Scheduling Order: LR 26-4** governs modifications or extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must be made no later than 21 days before the subject deadline unless good cause exists to request an extension thereafter. Any stipulation or motion to extend the discovery period must be made no later than **May 26, 2023**, 21 days before the discovery cut-off date unless good cause exists to request an extension thereafter.
- j. **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the FRCP 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

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1 5. **Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]**: The parties certify that
2 they met and conferred about the possibility of using alternative dispute resolution processes,
3 including mediation, arbitration, and if applicable, early neutral evaluation.

4 6. **Alternative Forms of Case Disposition [LR 26-1 (b)(8)]**: The parties certify that they
5 considered consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c) and Fed. R. Civ.
6 P. 73 and the use of the Short Trial Program (General Order 2013-01).

7 7. **Electronic Evidence [LR 26-1 (b)(9)]**: The parties certify that they discussed whether they
8 intend to present evidence in electronic format to jurors for the purposes of jury
9 deliberations. The parties may present evidence in electronic format to jurors for the
10 purposes of jury deliberations in compliance with the court's electronic jury evidence
11 display system.

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